

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH
BENEFITS FUND; PIRELLI ARMSTRONG
RETIREE MEDICAL BENEFITS TRUST;
TEAMSTERS HEALTH & WELFARE FUND
OF PHILADELPHIA AND VICINITY; and
PHILADELPHIA FEDERATION OF
TEACHERS HEALTH AND WELFARE
FUND,

Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri
corporation; and McKESSON
CORPORATION, a Delaware corporation,

Defendants.

C.A. No. 1:05-CV-11148-PBS

JOINT MOTION TO MODIFY THE CASE SCHEDULE

Counsel for Plaintiffs and Defendant McKesson Corporation (collectively “the parties”) hereby submit this joint motion to amend the Scheduling Order with respect to the briefing and hearing on class certification.

The Scheduling Order, dated May 22, 2006, set the following schedule:

Plaintiffs’ Motion for Class Certification due July 17, 2006;

McKesson’s Opposition due September 29, 2006;

Plaintiffs’ Reply due October 13, 2006;

McKesson’s Sur-Reply due October 27, 2006;

Hearing on Class Motion on November 14, 2006 at 2:00 p.m.

Plaintiffs filed their Motion for Class Certification on July 17, 2006. Accompanying the Motion was a declaration from plaintiffs’ expert, Dr. Raymond Hartman. Defendant McKesson

noticed Dr. Hartman's deposition for August. Plaintiffs informed McKesson that Dr. Hartman was unavailable in both August and September due to scheduling conflicts in the *AWP* litigation and other litigation. As a result, Dr. Hartman's deposition in this case is currently set for October 4 and 5, 2006. Because this date is after McKesson's opposition papers are due, amendment to the class certification schedule is necessary. Plaintiffs also necessitate further extension of the schedule because counsel for Plaintiffs will also be in the midst of *AWP* trial preparation and the *AWP* trial which commences in November.

The parties have conferred and agree on the following proposed schedule:

McKesson's Opposition due November 17, 2006;

Plaintiffs' Reply due January 16, 2006;

McKesson's Sur-Reply due March 19, 2006;

Hearing on Class Motion on _____ at _____.

DATED: September 19, 2006

On behalf of Plaintiffs:

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On behalf of Defendant McKesson Corporation:

By /s/ Lori A. Schechter
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on September 19, 2006.

/s/ Lori A. Schechter

Lori A. Schechter

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[PROPOSED] SCHEDULING ORDER

September ____ 2006

Saris, U.S.D.J.

The Scheduling Order dated May 22, 2006 is amended as follows:

With respect to Plaintiffs' Motion for Class Certification, briefing will proceed according to the following schedule:

McKesson's Opposition due November 17, 2006;

Plaintiffs' Reply due January 16, 2006;

McKesson's Sur-Reply due March 19, 2006;

Hearing on Class Motion on _____ at _____.

SO ORDERED.

Patti B. Saris
United States District Judge